

The Special/Study Meeting of the Troy City Planning Commission was called to order by Chairman Chamberlain at 7:30 P.M. on Tuesday, July 24, 2001 in the Lower Level Conference Room of the Troy City Hall.

1. ROLL CALL

Present:

Chamberlain
Kramer
Littman
Pennington
Reece
Starr
Storrs
Waller

Absent

Wright

Also Present:

Mark Miller, Interim Planning Director
Lori Bluhm, Acting City Attorney
Jordan Keoleian, Student Representative
Tracy Slintak, Environmental Specialist
Doug Smith, Real Estate and Development Director
Steve Vandette, City Engineer

Resolution

Moved by: Waller

Seconded by: Reece

RESOLVED, that Commissioner Wright be excused from attendance at this meeting.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

2. PUBLIC HEARING - SPECIAL USE REQUEST (SU-98) – Proposed Belle Tire Expansion – Southeast Corner of Long Lake Road & Rochester Road – Section 14

Mr. Miller noted that this Special Use Request was postponed at the July 10, 2001 Regular Planning Commission meeting, so the petitioner, Fire Department, and Planning Department could resolve the fire lane issue. A revised site plan was submitted that reduced the number of parking spaces and decreased the angle of the parking spaces. This revision allows for the 18 foot fire lane as requested by the Fire Department. The Planning Department recommended approval of the Special Use Request and revised Preliminary Site Plan.

Mr. Waller inquired as to whether the fire trucks could get into that area. Mr. Miller stated that the fire trucks can make the turn and access the southern area of the building. Also, that the Fire Department would do anything necessary to fight a fire at the property.

Resolution

Moved by: Starr

Seconded by: Littman

RESOLVED, that Special Use Approval, as requested for the expansion of Belle Tire building on a 1.47 acre B-3 Zoned site, having frontage on the south side of Long Lake Road and frontage on the east side Rochester Road is hereby granted, in accordance with section 22.30.06 of the zoning ordinance.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

Resolution

Moved by: Starr

Seconded by: Littman

RESOLVED, that Preliminary Site Plan Approval, as requested for the expansion of Belle Tire building, on a 1.47 acre, B-3 Zoned site, having frontage on the south side of Long Lake Road and frontage on the east side Rochester Road is hereby approved.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

STUDY ITEMS

3. BOARD OF ZONING APPEALS REPORT

Mr. Storrs noted that the vacancy on the BZA was filled by Matthew Kovacs and that there is now a full board on hand. The BZA is asking Council to consider appointing an alternate to reduce the number of delays that are a result of not having a full BZA present.

4. CURRENT DEVELOPMENT REPORT

Doug Smith, Real Estate and Development Director, noted that a ground breaking ceremony is being held on building frontage property tomorrow, July 25, 2001 for the Altair Building on Big Beaver at the Big Beaver Airport development. He also mentioned that while in Tennessee, the City Council and himself visited the Civic Center / Marriott Hotel in Kingsport, Tennessee. He stated it is the largest and most profitable in the Marriott chain and is located in the Northeast corner of Tennessee and is the size City Council has been considering for Troy with 85,000 to 100,000 square feet of conference area.

After visiting Kingsport, the new City Council members traveled to the Rosemont Theater in Illinois. This performing arts theater has 4,300 seats. City Council has scheduled an August 27th Special/Study meeting to discuss the Civic Center.

Mr. Miller commented that the Tentative Preliminary Plat at Oak Forest subdivision was approved by City Council subject to the City requesting a MDEQ Wetlands Permit public hearing.

In addition, Troy Pines II was granted Tentative Preliminary Plat approval by City Council. The petitioner presented a plat to Council at the meeting that included a cul-de-sac and no frontage on John R. Road.

5. DOWNTOWN DEVELOPMENT AUTHORITY REPORT

Mr. Smith noted the DDA did approve the bond issue for the Big Beaver Project. No August meeting is scheduled. Next meeting will be in September.

6. PROPOSED FUTURE LAND USE PLAN

Mr. Chamberlain commented that discussions regarding the Master Land Use Plan and various potential amendments to it has been brought up for over a period of eight (8) to nine (9) months.

Regarding the one public hearing required to be held for the Future Land Use Plan approval process, Mr. Chamberlain noted that he would like to propose a tentative public hearing at the regular meeting in September. This would allow one more Planning Commission meeting after tonight to complete the necessary revisions prior to the proposed public hearing in September. Mr. Chamberlain asked for comments from the Planning Commission. No comments were made.

Mr. Chamberlain asked the Planning Department to rewrite Mr. Keisling's Future Land Use Plan Text dated June 19, 2001. He commented that sections regarding current status and future projects are not needed in the Future Land Use Plan. He further stated that the data blanks also needed to be provided within the text.

Mr. Chamberlain continued, noting the overlay of the natural features on the Future Land Use Plan in relation to the fire pods. If the fire pods lined up with the natural features, this would be a dual function, then this can be mapped with the Natural Features Ordinance and Future Land Use Plan. Mr. Miller stated that the Preservation Areas are pretty accurate. He presented a Natural Features Map with the Preservation Areas/Fire Pods overlayed. Mr. Chamberlain asked if there were any comments on making this appropriate for our Future Land Use Plan and stated that this is one of our more important things we need to get into. No comments were made.

Mr. Miller asked Ms. Slintak if the Natural Features Map was going to be revised. Ms. Slintak stated there would be no drastic revisions, except the drains will be added to the map. Mr. Chamberlain stated that as far as the Future Land Use Plan goes, the drains are not necessary.

Mr. Littman asked Ms. Slintak if the Natural Features Map shows drains, will the retention and detention basins be shown? Ms. Slintak replied that these will probably not appear on this map.

7. DRAFT – CHAPTER 37 – WETLANDS ORDINANCE &
8. DRAFT – CHAPTER 38 – NATURAL FEATURES PROTECTION ORDINANCE

Mr. Chamberlain noted that a memo from the City Attorney was received addressing the legal issues and questions related to the proposed ordinances. Mr. Kramer discussed the Natural Features Ordinance and setback requirements. Mr. Kramer commented that woodlands is an amenity in some cases where the architecture allows construction in a wooded area. Mr. Chamberlain commented that the setbacks could be unreasonable. Mr. Littman commented that individual situations could dictate different setbacks.

Mr. Waller stated that Mayor Pryor asked about a ruling made by the Attorney General concerning Wetland setbacks. Has this been investigated? Ms. Bluhm noted that the Attorney General's opinion states that Wetlands cannot be expanded with required setbacks. However, Natural Features Ordinances can require setbacks.

Mr. Kramer commented that the 50 foot setback is an arbitrary number and it could be reduced. Ms. Bluhm noted that a setback provides an area to build a swale to keep chemicals from impacting the natural feature.

Mr. Chamberlain asked Mr. Kramer how he wanted to settle the setback issue. Mr. Kramer stated they should be relative to their intent and handled on an individual basis. Ms. Bluhm commented that it is best to have a standard for setbacks. Mr. Kramer asked how the setback can be altered. Ms. Bluhm answered that City Council can grant variances. Mr. Chamberlain stated that he did not like where someone personally likes you or dislikes you decides, whether a variance gets approved. This is not fair and a standard needs to address setbacks.

Ms. Slintak noted that natural features require a buffer or setback to eliminate or reduce impacts.

Mr. Chamberlain commented that if a homeowner decides to do something with his backyard, who is going to enforce the proposed ordinances? How is the homeowner going to know the regulations? Ms. Slintak stated that the City does not look for problems unless the neighbors make a complaint. Notification of requirements could be included in tax bills, water bills, newsletters, etc. The Natural Features Map is notification there is a resource on individual properties. Mr. Chamberlain asked what is the penalty for a violation. Ms. Bluhm stated it is a misdemeanor.

Mr. Miller stated that the Planning Department would coordinate the development approval process. When a proposal comes to the Planning Commission, there would be development approval and a Wetlands and Natural Features Permit Request at the same meeting.

Mr. Chamberlain asked when the final map will be ready. Mr. Miller stated the earliest would be September. Engineering Department is working on a letter for all affected property owners. The affected property owners would then be requested to send back their reply as to whether or not they will attend the meeting. Mr. Chamberlain stated that the Planning Commission will need a special meeting for the Public Hearing. Mr. Chamberlain stated we need to notify City staff that we need to have a final map before the effective date of the Ordinance.

Mr. Miller commented that Engineering is currently in the process of compiling the affected property address list. Ms. Slintak stated it is not complete.

Mr. Littman stated that the Planning Commission was to have a public hearing on the map and that Council is also going to have a hearing on the map. It was also stated that the Planning Commission will have a hearing for the text and map and that City Council will have a hearing for the text and map.

Mr. Kramer asked Ms. Bluhm what happens to existing situations without a buffer or setback today. Ms. Bluhm stated that property currently developed would be encouraged to keep the natural habitat as much as possible. Mr. Miller stated that there are standards for existing conditions and exempts some situations from the proposed regulations.

Mr. Storrs commented that the Planning Commission should not have the public hearing just on the text and that the text and the map should be addressed as a package. Mr. Chamberlain commented that he was led to believe that one of the key things we needed was the map.

Ms. Pennington asked if woodlands are a Natural Feature. Ms. Bluhm stated yes; however, the City's ordinances related to trees and woodlands need to be revised.

Mr. Miller commented that currently, a Preliminary Plan requires the submittal of a Preliminary Tree Preservation Plan that is basically a tree inventory. Prior to Final Plan approval, the developers obtain a Final Tree Preservation plan approval from the Parks and Recreation Department.

Considerable discussions occurred regarding woodlands and tree preservation methods with the Planning Commission members and staff.

Mr. Keoleian stated that a 50 foot natural features setback is confusing and should be reviewed by individual proposals. Mr. Storrs stated he was thinking along those same lines. Mr. Storrs also stated that many townships have considerable development yet to occur and 25 feet setbacks are used. Mr. Chamberlain asked if drains are considered a Natural Feature that is regulated. Ms. Bluhm answered that drains may be a Natural Feature and that the proposed ordinance permits the improvement and maintenance of county drains.

The Planning Commission members and staff discussed at length the proposed regulated Natural Features. Mr. Chamberlain asked Mr. Kramer to prepare an outline of some of his concerns and submit them to the Planning Commission for the next special/study meeting.

The Planning Commission developed a consensus that it should conduct a Public Hearing for both the proposed Natural Features Map and the proposed Ordinances.

Mr. Kramer asked how the public will be informed of how the proposed Ordinances will affect them. Ms. Slintak answered that the Engineering Department is developing two (2) lists of all the property owners affected by the Natural Features Map. Ms. Slintak stated that there are over 3,000 parcels that could be affected.

Mr. Chamberlain commented that it is very important for the Planning Commission to send comments to City Council. In addition, he stated that the Commission needs direction regarding the public hearings from City Management. Mr. Waller stated the Planning Commission has potential new responsibilities under the proposed ordinances. Additionally, the Commission will have to learn how to deal with Wetlands and Natural Features. Mr. Chamberlain is concerned the Commission will become a referee in these matters.

9. SITE PLAN REVIEW – Preliminary Plan Approval of Peacock Farms Site Condominium – West of Rochester Road, North of Square Lake Road – Section 3

Mr. Miller stated that this proposal was postponed at the June 12, 2001 Regular Meeting. At this meeting there were five residents of the Ottawa/Marengo/Rochester area who presented stormwater drainage problems to the Planning Commission. A correspondence from City Management is provided in the agenda packet that addresses some of the storm water concerns. In addition, Steve Vandette, City

Engineer, was requested to attend the Study Meeting to answer questions related to the storm water problems. Further he stated, additional topographic information was added to the site plan as requested by the Planning Commission. There are no known violations on the subject property and the City Engineer will answer questions. All Zoning Ordinance requirements continue to be met. The Planning Department recommends approval of the Preliminary Site Plan.

Mr. Storrs commented regarding the difference of the road pavement on the west end of the proposed development. Mr. Miller stated that pavement is only a half width to allow the alignment of Oberlin Street, which is unusual, because it is currently only 25 feet wide. When the property to the west is to be developed, a full width right-of-way and street would be installed.

Mr. Chamberlain asked, what is the City doing to solve the storm water problems near the proposed development?

Steve Vandette, City Engineer, addressed the storm water drainage problems. Initially, he demonstrated that the storm water flows to Rochester Road, and the existing rear yard drains had silted up. These private drains are no longer functioning. City staff met with the Rochester Road frontage property owners regarding a rear yard drain program to alleviate rear yard drainage problems. This started approximately 2-3 months ago. The City will build catch basins and storm sewers without cost to the property owners. A meeting is scheduled to meet with property owners to finalize this plan. The Public Works Department will be responsible for these improvements. Even if Peacock Farms is never constructed, these rear yard storm sewers will be constructed by the City. Mr. Vandette stated that the project would outlet to Rochester Road and will be constructed in 2001.

Further, Mr. Vandette stated that the drains will help dry out the rear yard areas of the homes adjacent to the proposed Peacock Farms, and storm water will be directed into the detention basin. This basin is designed for a 10 year storm. It has an overflow system of swales and ditches. This development would provide a storm sewer system that will improve the storm drainage patterns.

Mr. Littman asked if this development and the City Project will help the Marengo area drainage problem. Mr. Vandette stated he was not sure if the situation will improve and that anyone who lives in this Marengo area and has water problems should contact Tim Richnak of the Public Works Department – Streets and Drains.

Mr. Kramer stated that way more detail than normal was provided. Peacock Farms will help solve some of the problems. He is in favor of approving the Peacock Farms Site Condominium.

Bob McComb, a representative from Peacock Farms, stated that Peacock Farms will reduce water volume to the Rochester Road properties. Mr. Storrs asked about the grades at the property lines. Mr. McComb replied that there will be a swale system.

Al Bayer, Engineer with Nowack and Frauss, explained the new cross-sections were provided on the site plan. Mr. Chamberlain asked if there were any further comments from the audience.

Jane Bisson, 6295 Rochester Road, noted that Lot 3 has had the lowest elevation on Rochester Road for the last seven (7) years and has been wet for the last two (2) years. If there is going to be rear yard drains installed, and a neighbor does not have rear yard drains on their property, is her drain going to have to handle their flow. Mr. Vandette stated that Peacock Farms storm water drainage will reduce that storm water flow to the Rochester Road properties.

Tom Patton, 841 Ottawa, stated he has heard several inaccuracies and that there has been water near his garage and basement. He noted concern of the lowering of property values because the proposed units are smaller than the existing lots.

Dan Lilly, 926 Marengo, stated that he has one of the lowest elevations. Both his shed and house are near the 100 year flood plain. Water comes very close to his house.

Mr. Chamberlain stated that the Marengo residents should get together and submit in writing to the City their flood problems; specifically, Tim Richnik.

Ms. Bluhm stated this is a site plan and there is not a lot of flexibility. If it meets all the Zoning Ordinance requirements, then it has to be approved. The Planning Commission cannot take into account the reduction of property values. Mr. Chamberlain stated that ten (10) years ago we did deny a development on this very basis and the City was not successful in court litigation.

Mr. Waller stated that he is satisfied with the proposed development and it has adequately met the Zoning Ordinance requirements.

Resolution

Moved by: Littman

Seconded by: Waller

RESOLVED, that the Planning Commission hereby recommends to the City Council that the Preliminary Plan as submitted under Section 34.30.00 of the Zoning Ordinance (Unplatted One-Family Residential Development) for the development of a One-Family Residential Site Condominium known as Peacock Farms, in the area west of Rochester Road and north of Square Lake Road, be approved.

Yeas: All Present (8)

Absent: Wright

MOTION CARRIED

10. PUBLIC COMMENT

Jane Bisson, 6295 Rochester Road, asked if property in litigation could be developed?

Cheryl Nielsen, 900 Marengo, stated that someone is bulldozing debris into the private drain south of Marengo. Ms. Bluhm stated that evidence, such as photographs and/or license plate numbers need to be gathered.

John Weyhrauch, 2088 Highbury, commented on St. Petka Church, and stated that it should include a joint driveway with the High School. Please work towards the provision of a joint driveway.

11. GOOD OF THE ORDER

Mr. Miller stated that St. Petka is proposing to eliminate the joint driveway and it will be presented at the August Regular Meeting. In addition, the Wetlands Map shows potential wetlands at this site.

Mr. Waller stated that City Council does need to give the Planning Commission some direction regarding cross-access for condominiums.

Mr. Storrs commented that when we make our decisions, we need to think of the next 30 years.

Mr. Miller noted the reappointment of Jordan Keoleian as Student Representative to the Planning Commission. Mr. Keoleian stated he was very pleased to continue as part of the Planning Commission.

Mr. Chamberlain requested a list of Special Uses be given to the Planning Commission before the next meeting.

The meeting was adjourned at 10:00 PM

Respectfully submitted,

Mark F. Miller
Interim Planning Director